

**Washington County Land Use Authority Work Meeting
April 28, 2009**

Recording Not Available

The Washington County Land Use Authority Work Meeting was held on Tuesday, April 28, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present Joann Balen, Julie Cropper, Dave Everett, Kim Ford, Doug Wilson, and Rick Jones. Also present were Planning & Zoning Administrator Deon Goheen, Deputy Attorney Rachelle Ehlert, Building Official Kurt Gardner, Todd Edwards, Public Works Department, and Darby Klungervik, Building Department Secretary.

Excused: Debora Christopher

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item #1. DISCUSSION ITEM: Review suggested revisions to the subdivision ordinance Chapter 5, Improvements, Section 11-5-1: Sewer Proposal and Construction Plans. County initiated.

The planner advised this section of Chapter 5 of the Subdivision Ordinance needs to be revised, whereas, the County Commission approved a resolution on July 15, 2008 to expand Ash Creek Special Service District (ACSSD) boundaries. On January 20, 2009, the Washington County Water Conservancy District (WCWCD) was approved as the service provider for the west end of the County, and those agreements were finalized on April 21, 2009. The agencies have been meeting together since March 12, 2009, to define the process standards used and the responsibilities.

The chairman wanted to know who would oversee the process and management of the standards created and legal council assured the commission that the two groups were adopting “mirrored or like” standards. Commissioner Wilson clarified that the WCWCD and ACSSD have appointed board members who will be over this process, and if a decision is appealed, it will be heard by the Court.

The planner reminded the commission that the drafting of the ordinance is a combined effort between the County and all agencies (ACSSD, WCWCD, Department of Environmental Quality (DEQ) and Southwest Utah Public Health Department (SWUPHD)). Legal council, Deputy Attorney Rachelle Ehlert has created a draft copy for the commission’s review. Chairman Stucki felt “*and*” in the second paragraph, between the two agencies listed, should be replaced with “*or*”, whereas, one or the other will be the approving agency. The planning staff recommended several changes to the third paragraph, which were: “*may*” being deleted and replaced with “*shall*”; after ...sewer systems insert “*construction drawings*” ...; and delete “*, if applicable.*” Revised ordinance below:

CHAPTER 5

IMPROVEMENTS

SECTIONS:

11_5_1: Sewer Proposals And Construction Plans

11_5_2: Storm Drainage

11_5_3: Street Improvements

11_5_4: Fire Flow And Line Size Standards

11_5_5: Water

11_5_6: Electrical System And Telephone

11_5_7: Fences And Guards

11_5_8: Natural Gas Systems

11_5_1: SEWER PROPOSAL AND CONSTRUCTION PLANS:

The Washington County Water Conservancy District (WCWCD) and Ashcreek Special Sewer District (ACSSD) are the governmental entities with jurisdiction and authority over wastewater collection and disposal systems in the unincorporated areas of Washington County. (See attached map)

No building permit shall be issued and no final subdivision plat shall be approved until such time that all plans and specifications for wastewater collection and disposal have been reviewed and approved by WCWCD and or ACSSD, as the case may be, in accordance with district rules and regulations.

*As part of the approval process, the Washington County Public Works Department may shall review new sewer systems **construction drawings** within roads and other public right-of-ways, and if applicable, require additional standards, if applicable. In addition, any proposal for community systems or systems with a design flow of over 5,000 gallons per day must be reviewed and approved by the Utah State Department of Environmental Quality (DEQ). All other wastewater treatment plans shall be reviewed for feasibility and potential permit approval by the Southwest Utah Public Health Department (SWUPHD).*

Commissioner Wilson explained the proposed map is somewhat like the one the planner presented, although the WCWCD and ACSSD areas will outline and name the incorporated cities, such as, Hildale, St. George and Enterprise. It was pointed out that most of these cities and towns have their own sewer facilities or lagoons. Todd Edwards, Public Works Department Engineer, advised that Santa Clara and Ivins maintain their own sewer stations, but their outfall lines are connected and run to the regional treatment facility.

The commissioners unanimously agreed that this should be advertised for a public hearing and move forward with the adoption of this section to the subdivision ordinance. The planner indicated that this would be advertised for a public hearing on May 12, 2009, and be on the County Commission agenda for acceptance by May 19, 2009.

Item #2. DISCUSSION ITEM. Review and make recommendations on Land Use Ordinance adoption of 1) Chapter 25: Wind Energy Systems and Facilities; 2) Chapter 26: Solar Power

Plants; and 3) Chapter 27: Geothermal Power Plants to establish minimum requirements and regulations on such systems. County initiated.

The planner reminded the commission that this ordinance was drafted for review and consideration of adoption as a part of the Zoning Ordinance on wind energy systems, solar power plants, and geothermal power plants. As reviewed previously, these sections are taken from the Iron County Ordinances. The commissioners reviewed the written text at the previous work meeting and requested further information from Iron County on their process of review and adoption.

Staff felt that it would be in the County's best interest to have these ordinances implemented for the unincorporated areas of the County before we start getting the requests 5 or 10 years down the road. There would at least be some type of guidelines for development.

The planner explained that Iron County Zoning Administrator, Chad Nay, indicated their involvement started when the Governor's Office posted their "green energy zones" and "Utah's Renewable Energy" in August of 2008. Iron County wanted to stay ahead of the curve in adopting "energy type" ordinances.

Commissioner Everett addressed his concerns on page 2 of the Wind Energy Ordinance, item (b) "...lot less than 5 acres in size", and the next item (c) referencing opposite criteria in acreage "...five acres or less."

The commissioners talked about the "fall zone" being the leading criteria in approving the wind tower on an individual basis, and that would not be calculated to clear their own residence. There will be a maximum height requirement of 35', with an exception to the height requirement under a Conditional Use Permit if the "fall zone" is applicable.

The planner further advised that commercially these types of uses are conditionally approved within the Industrial Zone and to overcome the problems with uses that are permitted, such as, sexually oriented businesses, Iron County is trying to do an Industrial "overlay". Presently they are working it out as a "Contract for Zoning", one at a time. An agreement with their County Commissioners for "X" amount of years, once they are up and running. So many want to do it in phases; if the business does not work out or the use ends, the zone would revert back to the original zone.

The chairman said he was not a fan of "overlay" zoning.

The commissioners asked the definition of "BIO Mass", and legal council indicated it was described as a "living mass", such as, the Milford Pig Farms or taking gases or energy from an old land fill area.

The planner stated that Washington County may not need to pay much attention to Geothermal, whereas, temperatures in this area are not as hot as they should be for geothermal production. Commission members questioned those areas in Beryl and are they adequate for geothermal development. The planner advised that Beryl Junction is north of Enterprise and falls under Iron

County's jurisdiction. Iron County has an abundance of areas for these types of renewable energy and a lot of their requests are coming in for tax credits from legislators.

The commissioners determined they would pay less attention to Geothermal and BIO Mass and continue to work on Solar and Wind Energy chapters at their next regularly scheduled work meeting.

Item #3. LEGISLATIVE UPDATES: Review legislative updates for 2009. County initiated.

The planner explained that the commissioners had been invited to attend a review at the AOG Offices last week, so those who attended may have knowledge of these updates. Commissioner Ford said that he spent over an hour trying to find the link to the Utah League of Cities and Towns, and was only able to find a copy of the 2008 Legislative updates.

Legal council asked if the commission would prefer to go over this after they have had a chance to further review the web page and they agreed that this should be held over to the next meeting.

Item #4. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on April 21, 2009. County initiated.

The staff meeting convened at 9:00 a.m. Staff Members Present: Deon Goheen, Planner; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Tina Esplin, Washington County Water Conservancy District; Darwin Hall, Ash Creek Special Service District Manager; and Rachelle Ehlert, Deputy Civil Attorney.

Excused: Laurence Parker and Robert Beers, Southwest Utah Public Health Department; Ron Whitehead, Public Works Director; and Randy Taylor, Department of Environmental Quality.

CONDITIONAL USE PERMIT:

A. Request permission for accessory dwelling above a garage at 255 S. 200 West in Pine Valley. Rexine Rowley, applicant and Jeff Gardner, agent

This is a review for an accessory dwelling to be above a detached garage. The planner reviewed the approval process, stating that the applicant will not be able to have sleeping quarters in the accessory dwelling, because they are not willing to enlarge their septic field. The building official indicated this plan, as presented, does not allow for the building department to require fire walls without the bedrooms. Legal council felt there was no need for kitchen and restroom facilities if the quarters are not able to be used as a complete dwelling unit. The property is within the RE-20.0 zone and meets the setback requirements of that zone. The applicant submitted a site plan and floor plan for review. There was a note written on the plans from the Southwest Utah Public Health Department stating that the existing system addition of garage does not require enlargement of septic field (bedroom is not labeled). **The staff denied the Conditional Use Permit as presented.**

LOT LINE ADJUSTMENT:

A. Consider approval of a lot line adjustment by moving the line between two lots , 22 and 23 in Pine Valley Mountain Farms Amended and Extended #2, and abandonment of the 7.5 utility easement. Michael Purdy, agent

The applicant submitted a survey plat of lots 22 and 23 of the Pine Valley Mountain Farms Amended plat, and abandonment forms for 7.5 utility easements. Each lot qualifies as they will still meet the requirement of the State Code and the Zoning Ordinance, containing more than 40,000 square feet, with this minor adjustment. The County Engineer, Todd Edwards reviewed a “red lined” copy of the survey plat making minor changes to the legal description. Recorded deeds or documents should reflect the description of the abandonment of 7.5' utility easement along the deleted lot line. This approval of abandonment should go before the County Commission. **Staff felt there should be no problem in granting the Lot Line Adjustment, subject to the items requested by staff and filing a survey plat with the Washington County Map Depository within the required 90 days of survey.**

Item #5. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items. County initiated.

Action taken on Planning Items by the Washington County Commission on April 21, 2009, beginning at 4:00 p.m.: (a) Conditional use extension to quarry sandstone and locate a screening operation in the SW 1/4 NE 1/4, Section 22, T43S, R13W, SLB&M, generally located 4 ½ miles south of Grassy Meadows Sky Ranch... R&W Inc., applicant/Brian Zitting, agent; (b) Conditional use extension for ATV and jeep wilderness tours on Sand Mountain, BLM Land, with staging area located south of Grassy Meadows Sky Ranch... Jim Clay, applicant and Laurie Clay, agent; (c) Conditional use extension to locate a 100' monopole, co-location communication site east of Diamond Valley, within the OST-20 zone, E ½ Section 36, T40S, R16W, SLB&M... WWC Holding (Alltel) Maurine Bautman, agent; and (d) Conditional use extension on a Tower for Verizon Wireless at Big Mountain communications facility in Section 4, T38S, R16W, on Forest Service property near Enterprise...Connie Misket/Technology Associates International Corporation, agent

The planner reported that the County Commission unanimously recommended approval of the items above on their Consent Agenda. The planner advised the commission of another complaint on the Clay residence, which produced nothing; will send out the building inspector if there is another call. All items requested from the Planning Commission were supplied by Laurie Clay after the last meeting. The Conditional Use Permit was reinstated.

Item #6. COMMISSION & STAFF REPORTS. General reporting on various topics. County initiated.

There being no further business at 2:49 p.m., Chairman Stucki adjourned the meeting.

Deon Goheen, Planner